

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -1 AM 9:34
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Tomas TORRES-Chavez)
Defendant.)

)

Magistrate Case No. DEPUTY
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(1)(A)(iv)-Inducing and
Encouraging Illegal Alien
To Enter the United States

'08 MJ 1364

The undersigned complainant being duly sworn states:

On or about **April 30, 2008**, within the Southern District of California, defendant **Tomas TORRES-Chavez**, did encourage and induce an alien, namely **Gilberto ROJAS-Ramirez** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **1st** day of **May, 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Gilberto ROJAS-Ramirez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 30, 2008, at about 06:38 a.m., **Tomas TORRES-Chavez (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry vehicle entrance as the driver of a 1999 Ford Taurus. One visible male passenger accompanied Defendant. A United States Customs and Border Protection (CBP) officer was performing pre-primary roving operations when he approached Defendant and initiated an inspection. Upon inspection before the CBP officer, Defendant presented as his own, an Immigration Form I-551 (Permanent Resident Card) bearing the name Luis Ramon Martinez-Ruiz. The male passenger presented as his own, a Permanent Resident Card bearing the name Fernando J. Cervantes-Lopez. Defendant told the CBP officer he intended to travel to San Diego, California to shop. The CBP officer noticed the photos on the Permanent Resident Cards did not resemble Defendant or the male passenger. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, Defendant and the male passenger were determined to be impostors to the documents presented. Defendant and the male passenger were both identified as citizens of Mexico without legal documents to enter the United States. The male passenger was held as a material witness and is now identified as **Gilberto ROJAS-Ramirez (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is aware the passenger is an undocumented alien and that he and the passenger purposely presented the Permanent Resident Cards, knowing that the documents were not rightfully issued to them. Defendant admitted he told the passenger not to get nervous and in case an officer asked him where he was going, to tell the officer he was getting a ride from Defendant. Defendant admitted he agreed to drive the vehicle into the United States and deliver the passenger to a gas station in San Ysidro, California. Defendant stated in return he would be paid \$150.00 USD upon his return to Tijuana, Mexico.

On a separate videotaped interview, Material Witness declared he is a citizen of Mexico without legal rights to enter the United States. Material Witness stated when he boarded the vehicle in Tijuana, Mexico, the driver was seated in the driver seat and they both traveled to the United States border to attempt to enter the United States. Material Witness stated he was to pay a smuggling fee of \$2,000.00 USD to be smuggled into the United States. Material Witness stated he intended to travel to Los Angeles, California to seek employment.